



**UNITED STATES DEPARTMENT OF COMMERCE
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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.
09/276,042	03/25/99	CHRISTIE	1

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EXAMINER
DEANE JR.W

ART UNIT	PAPER NUMBER
2642	

02/12/01

DATE MAILED:

Please find below and/or attached an Office communication concerning this application or proceeding.

Commissioner of Patents and Trademarks

Office Action Summary

Application No.
09/276,042

Applicant(s)

CHRISTIE ET AL.

Examiner

Bill Deane

Group Art Unit
2642



☒ Responsive to communication(s) filed on Dec 4, 2000

☒ This action is **FINAL**.

☐ Since this application is in condition for allowance except for formal matters, **prosecution as to the merits is closed** in accordance with the practice under *Ex parte Quayle*, 35 C.D. 11; 453 O.G. 213.

A shortened statutory period for response to this action is set to expire 3 month(s), or thirty days, whichever is longer, from the mailing date of this communication. Failure to respond within the period for response will cause the application to become abandoned. (35 U.S.C. § 133). Extensions of time may be obtained under the provisions of 37 CFR 1.136(a).

Disposition of Claim

☒ Claim(s) 3-6 is/are pending in the applicat

Of the above, claim(s) _____ is/are withdrawn from consideration

☐ Claim(s) _____ is/are allowed.

☒ Claim(s) 3-6 is/are rejected.

☐ Claim(s) _____ is/are objected to.

☐ Claims _____ are subject to restriction or election requirement.

Application Papers

☐ See the attached Notice of Draftsperson's Patent Drawing Review, PTO-948.

☐ The drawing(s) filed on _____ is/are objected to by the Examiner.

☐ The proposed drawing correction, filed on _____ is ☐ approved ☐ disapproved.

☐ The specification is objected to by the Examiner.

☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. § 119

☐ Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d).

☐ All ☐ Some* ☒ None of the CERTIFIED copies of the priority documents have been
☐ received.

☐ received in Application No. (Series Code/Serial Number) _____

☐ received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

*Certified copies not received: _____

☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).

Attachment(s)

☐ Notice of References Cited, PTO-892

☐ Information Disclosure Statement(s), PTO-1449, Paper No(s). _____

☐ Interview Summary, PTO-413

☐ Notice of Draftsperson's Patent Drawing Review, PTO-948

☐ Notice of Informal Patent Application, PTO-152

— SEE OFFICE ACTION ON THE FOLLOWING PAGES —

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DETAILED ACTION

The rejection found in paper number 10, mailed December 4, 2000 is hereby maintained and repeated below.

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless --

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims 3 - 4 and 6 are rejected under 35 U.S.C. 102(b) as being anticipated by U.S. Patent No. 5,146,491 (Silver et al.).

Silver et al teach a method of processing calls in a communication network where a caller pays for some of the calls, the method comprising; receiving a call in a communication network, determining if the caller is required to pay for the call before implementing services for the call; and if the caller is not required to pay for the call, implementing the services for the call without validating the caller. (See Col. 3, line 16 - Col 4, line 12). With respect to the validation step, such could be represented at Col. 3, lines 49 - 60. Note with respect to claim 4, that the call is an "800" call (Col. 3, line 18). With respect to claim 6, note Col. 3, lines 4 - 12.

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Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claim 5 is rejected under 35 U.S.C. 103(a) as being unpatentable over Silver et al. In view of U.S. Patent No. 5, 163,087 (Kaplan).

Silver et al teach the claimed device except for the AIN aspects of the invention. Kaplan teaches that it is old in the art to have an AIN lookup. It would have been obvious to one of ordinary skill in the art to have incorporated an AIN lookup with the device of Silver et al as such would only entail the substitution of one caller ID device for another.

Response to Arguments

5. Applicant's arguments filed December 4, 2000, have been fully considered but are not persuasive to any error in the above rejection.

Applicants argue that Silver et al does not teach "determining if the caller is required to pay for the call before connecting the call to a call destination". If the call is an 800 call as taught by Silver et al (Col. 3, line 18) such a determination is inherent. When one makes an 800 call, a determination must be made that the caller is not required to pay for the call.

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Next applicants argue that there is no validation in Silver et al when the caller is required to pay for the call. However, from the rejection above such is taught by Silver et al. (See Col. 3, line 16 - Col. 4, line 12.

Applicants further argue that Silver et al does not teach "if the caller is not required to pay for the call, then connecting the call to the call destination without validating the caller". However, in an 800 call the caller would not be validated.

Lastly, applicants argue that in applicants' invention the caller validation begins during call setup by checking the IAM message to determine if validation is required before the call is connected. However, no such language is found in the claims and validation normally begins during call setup (not after).

Note that applicants' claims as written would read on a situation where one is using a pay phone. If the user calls an 800 number the network determines that the caller is not required to pay for the call and connects the call without validating the caller.

If that same user decides to make a long distance call or international call then the caller will be validated by inputting the calling card number or access code before the call is connected.

Conclusion

6. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO


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MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Bill Deane whose telephone number is (703) 306-5838. In addition, facsimile transmissions should be directed to Bill Deane at facsimile No.(703) 308-6306.


WJD

February 8, 2001


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